

#### Amendments to the Drawings

The attached 3 sheets of drawings, including Figs. 1-6, replace the original 3 sheets of drawings.

In these drawings, the references A, B and C have been deleted and substituted with the references 101, 102 and 103;

- line A-A in Fig. 2 has been deleted;
- the line associated to reference 9 has been moved in order to better identify the channel, according to the Examiner's request; furthermore, a second reference 9 has been added;
- new references 29 and 39 have been added in order to identify the inlet and the outlet of the secondary channel;
- original Fig. 6 has been substituted by new Fig. 6.

Attachment: 3 Replacement Sheets

### Remarks

Applicant's counsel thanks the Examiner for the careful consideration given the application. Support for the Amendment to claim 1 can be found in the description at page 8, line 7-9 and lines 23-25 and from original Fig. 1.

The Examiner indicates that the Oath or Declaration fails to include the priority information of the PCT application (PCT/IT02/00680 filed October 25, 2002). Accordingly, applicant is enclosing herewith an Application Data Sheet including the requested priority information. Please enter this Application Data Sheet in record of this case.

The Abstract has been amended as requested by the Examiner. The claims have been amended to correct the informalities noted by the Examiner.

### 35 USC 102

The claims have been rejected under Section 102 as anticipated by Kremer Jr. et al. (US 4,792,097). Present claim 1 differs from the prior art document Kremer No. US 4,792,097 in that the alleged secondary channel of Kremer (indicated with reference number 29 or 44 by the Examiner) is not provided with an inlet communicating with the environment in order to draw a secondary flow of air from the environment into the ampoule. In fact, as expressed in column 3, lines 47-48 of Kremer, the chamber 44 is a closed chamber. Furthermore, in column 4, lines 1-3, it is clearly stated that the mist is discharged upwardly through the recess or openings 45 in the top cap 43 and therefore such openings cannot be considered as inlet for a secondary flow of air. Accordingly, present claim 1 is now clearly novel over the cited prior art.

### 35 USC 103

Claim 8 has been rejected under Section 103 as obvious over Kremer. However, the difference highlighted in the discussion above allow one to solve the technical problem of refining the nebulisation of the medical product.

In particular, such a problem is solved by introducing a secondary flow of air into the secondary channel for thrusting the aerosol towards the bottom of the ampoule, in order to select particles, as clearly stated at page 8, lines 23-25.

The prior art document Kremer No. US 4,792,097 does not provide any indication that would prompt the skilled person to solve the problem of refining the nebulisation of the medical product by using a secondary flow of air; on the contrary, Kremer teaches against the use of a secondary flow of air because it discloses a closed chamber 44 as means for refining the nebulisation. Accordingly, it is clear that claim 8 is inventive and patentable over the applied reference. For these reasons, the claims are clearly patentable over the applied art and are now in condition for allowance.

All the remaining claims depend directly or indirectly from an allowable base claim and are accordingly allowable due to their dependency.

Since the claims as now presented define over the prior art, it is clear that they are now in condition for allowance, which is respectfully requested.

If any further fees are required by this communication which are not covered by the enclosed check, please charge such fees to our Deposit Account No. 16-0820, Order No. BUG7-42606.

Respectfully submitted,

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